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BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK
Chairman

JIM IRVIN
Commissioner

WILLIAM A. MUNDELL
Commissioner

DOCKETED

OCT 10 2000



IN THE MATTER OF THE APPLICATION)
OF U S WEST COMMUNICATIONS, INC.,)
FOR APPROVAL OF THE THIRD)
AMENDMENT TO THE INTERCONNECTION)
AGREEMENT WITH ESCHELON TELECOM,)
INC. FKA ADVANCED)
TELECOMMUNICATIONS, INC.)

DOCKET NOS. T-01051B-00-0523
T-03406A-00-0523

DECISION NO. 62943ORDER

Open Meeting
October 4 and 5, 2000
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On July 19, 2000, U S WEST Communications, Inc. ("USWC") filed an application for approval of the Third Amendment to the Interconnection Agreement between USWC and Eshelon Telecom, Inc., fka Advanced Telecommunications Inc. ("Eschelon"). The original Interconnection Agreement was approved by the Commission on April 28, 2000, in Decision No. 62489.

2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation.

3. This Third Amendment to the Interconnection Agreement between USWC and Eschelon was voluntarily negotiated, without resort to arbitration.

4. Under the terms of this Third Amendment, USWC and Eschelon will amend the agreement by adding terms, conditions and rates for Unbundled Dedicated Interoffice Transport.

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1 5. According to the 1996 Act and Commission Rule, the Commission must approve
2 voluntarily negotiated interconnection and resale agreements, if their provisions are non-
3 discriminatory and in the public interest.

4 6. Staff has reviewed the Third Amendment and finds it to be non-discriminatory and in
5 the public interest. USWC is offering the same terms and conditions of the Agreement to all other
6 interested parties. The Agreement is in the public interest because it will act to further competition
7 in the local exchange market in Arizona.

8 7. Since there are no grounds for rejection of the Third Amendment pursuant to
9 Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
10 Third Amendment to the Interconnection Agreement between USWC and Eschelon.

11 CONCLUSIONS OF LAW

12 1. USWC is an Arizona public service corporation within the meaning of Article XV,
13 Section 2, of the Arizona Constitution.

14 2. The Commission has jurisdiction over Eschelon and over the subject matter of the
15 Application.

16 3. The Commission, having reviewed the Application and Staff's Memorandum has
17 determined that the Third Amendment to the Interconnection Agreement negotiated between
18 USWC and Eschelon meets the requirements of Section 252(e)(2)(A) of the 1996 Act which
19 governs the approval of voluntarily-negotiated agreements and is in the public interest.

20 4. The Commission maintains jurisdiction over the subject matter of the Agreement and
21 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by
22 the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
23 promulgated thereunder.

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2 ORDER

3 THEREFORE, IT IS ORDERED that the Commission hereby approves the Third
4 Amendment to the Interconnection Agreement between USWC and Eschelon filed on July 19,
5 2000.

6 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

7 **BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

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9 CHAIRMAN

COMMISSIONER

COMMISSIONER

10 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
11 Executive Secretary of the Arizona Corporation
12 Commission, have hereunto, set my hand and caused the
13 official seal of this Commission to be affixed at the
14 Capitol, in the City of Phoenix, this 10th day of October,
15 2000.

16 BRIAN C. McNEIL
17 Executive Secretary

18 DISSENT: _____

19 DRS:EAA:jbc/DMW
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